

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENYATTA WHITE, JR.,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 21-CV-2688
	:	
CITY OF PHILADELPHIA, <i>et al.</i>,	:	
Defendants.	:	

ORDER

AND NOW, this 13th day of September, 2021, upon consideration of Plaintiff Kenyatta White, Jr.'s *pro se* Amended Complaint (ECF No. 8), it is **ORDERED** that:

1. The Clerk of Court is **DIRECTED** to add Correctional Officer Rahdad as a Defendant.

2. The following claims contained in the Amended Complaint are **DISMISSED WITH PREJUDICE**:

a. All claims against Defendant Philadelphia Department of Prisons.

b. The official capacity claims against Defendants Rahdad and Williams.

3. All claims based on deliberate indifference to a serious medical need are **DISMISSED WITHOUT PREJUDICE** and with leave to their being reasserted in a new civil action against an appropriate defendant who was personally responsible for any alleged constitutional violation.

4. The Clerk of Court is **DIRECTED** to terminate Correctional Officer Halstead, Correctional Officer Borbaker, and the Philadelphia Department of Prisons as Defendants.

5. The Clerk of Court shall issue summonses to Defendants City of Philadelphia, Warden Farrell, Major Williams, and Correctional Officer Rahad. Service of the summonses and the Complaint shall be made upon the Defendants by the U.S. Marshals Service. White will be

required to complete USM-285 forms so that the Marshals can serve the Defendants. Failure to complete those forms may result in dismissal of this case.

6. All original pleadings and other papers submitted for consideration to the Court in this case are to be filed with the Clerk of Court. Copies of papers filed in this Court are to be served upon counsel for all other parties (or directly on any party acting *pro se*). Service may be made by mail. Proof that service has been made is provided by a certificate of service. The certificate of service should be filed in the case along with the original papers and should show the day and manner of service. An example of a certificate of service by mail follows:

“I, (name), do hereby certify that a true and correct copy of the foregoing (name of pleading or other paper) has been served upon (name(s) of person(s) served) by placing the same in the U.S. mail, properly addressed, this (day) of (month), (year).

(Signature)”

7. Any request for court action shall be set forth in a motion, properly filed and served. The parties shall file all motions, including proof of service upon opposing parties, with the Clerk of Court. The Federal Rules of Civil Procedure and Local Rules are to be followed. White is specifically directed to comply with Local Civil Rule 7.1 and serve and file a proper response to all motions within fourteen (14) days. Failure to do so may result in dismissal.

8. White is specifically directed to comply with Local Rule 26.1(f) which provides that “[n]o motion or other application pursuant to the Federal Rules of Civil Procedure governing discovery or pursuant to this rule shall be made unless it contains a certification of counsel that the parties, after reasonable effort, are unable to resolve the dispute.” White shall attempt to resolve any discovery disputes by contacting Defendants’ counsel directly by telephone or through correspondence.

9. No direct communication is to take place with the United States District Judge or United States Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk of Court.

10. In the event a summons is returned unexecuted, it is White's responsibility to ask the Clerk of Court to issue an alias summons and to provide the Clerk with the Defendant's correct address, so service can be made.

11. The parties should notify the Clerk's Office when there is an address change. Failure to do so could result in court orders or other information not being timely delivered, which could affect the parties' legal rights.

BY THE COURT:

/s/ MICHAEL M. BAYLSON

MICHAEL M. BAYLSON, J.